

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.A.D., E.L.W., and R.H.W.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AINER MAE DENT,

Respondent-Appellant,

and

JEROME BERNARD HILL, ROBERT WILSON,
and GARY FITZGERALD WILSON,

Respondents.

Before: Hood, P.J., and Saad and E. M. Thomas*, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(c)(i), (g), (i), (j), and (l).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more

¹ The trial court's order also terminated the parental rights of respondents Jerome Bernard Hill, Robert Wilson, and Gary Fitzgerald Wilson, the putative fathers of the children. These respondents have not appealed the trial court's order.

* Circuit judge, sitting on the Court of Appeals by assignment.

statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established termination of respondent's parental rights was warranted under MCL 712A.19b(3)(c)(i), (g), and (j).² The children were taken into emergency custody after petitioner determined that both the residence in which the children were found and respondent's residence were unsuitable. At the permanent custody hearing the evidence showed that respondent had failed to address her substance abuse problem, and had been unable to obtain and maintain suitable housing and a consistent legal source of income. Respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time the children were taken into custody.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds the conditions that led to adjudication continued to exist and there was no reasonable likelihood the conditions would be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely the children would be harmed if returned to respondent's home, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo*, *supra*.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas

² The trial court also terminated respondent's parental rights pursuant to MCL 712A.19b(3)(i) (parental rights to one or more siblings terminated and prior attempts to rehabilitate parents unsuccessful) and (l) (parent's rights to another child were terminated as a result of proceedings under section 2(b) or a similar law of another state). The undisputed evidence established that respondent's parental rights to another child were terminated in 1995; however, the specific circumstances that led to termination in that matter were not presented in this case. As a result, this Court is unable to determine if petitioner established these statutory grounds by clear and convincing evidence. The point is moot in light of our determination that the remaining grounds for termination were established by the requisite evidence.